

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Arnold KELLER

Serial No.: 10/541,372

Filing Date: July 5, 2005

For: HIP PROSTHESIS INCLUDING A
SHAFT TO BE FIXED IN THE
MEDULARY CANAL OF THE FEMUR
(as amended)

Examiner: A. M. Schillinger

Group Art Unit: 3774

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO/SB/08a/b were cited in a Japanese Office Action mailed on February 24, 2009 directed to a counterpart foreign application and have not been previously cited. Concerning a brief explanation of relevancy of the teachings of the cited foreign prior art references to the present invention pursuant to 37 CFR 1.98(a)(3)(i), Applicant indicates on the attached Form PTO/SB/08a/b, that JP-2000-93440 corresponds to US 6,436,148 (a U.S.

counterpart) and JP-61-56641 corresponds to US 4,664,668 (a U.S. counterpart). A certification under 37 C.F.R. § 1.97(e)(1) follows:

I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

This Information Disclosure Statement is submitted after mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. A Certification under 37 C.F.R. § 1.97(e) is provided above and the appropriate fee is submitted herewith.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.


Application no. 10/541,372

Attorney docket no. 246472008200

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 246472008200.

Dated: May 20, 2009

Respectfully submitted,

By 
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